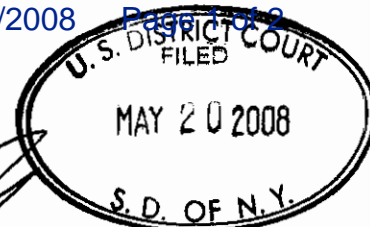


MAILED TO COUNSEL



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL HENRY,

08-CV-286 (LAP)

Plaintiff,

REPLY AFFIRMATION IN
SUPPORT OF MOTION

-v-

PAUL W. ANNETTS, et. al,
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/02/08

RECEIVED
JUN 12 2008
LORETTA A. PRESKA
U.S. DISTRICT JUDGE
S. D. N. Y.

HON. LORETTA A. PRESKA:

I, PAUL HENRY, affirm under penalty of perjury that:


1. I, PAUL HENRY, am the plaintiff in the above entitled action, and submit this affirmation in further support of my motion to this Court for an order of Default Judgment against the defendants.
2. That the United States Marshal's Service served via certified mail the Office of the Attorney General courtesy copies of both the complaint and summons on or before April 2, 2008.
3. That Plaintiff didnot consent to an extension of time; nor was he given the opportunity to oppose such extension of time. And the Court dealt with the request in an exparte fashion. - Prejudicial to plaintiff.
4. That Daniel Schulze, Assistant Attorney General, didnot use due diligence to answer/move to the complaint within the time set forth by the summons; and, should not have been granted an extension of time to respond to the complaint by the Court.
5. That plaintiff filed a motion for Default Judgment on April 24, 2008; and, the Court didnot hear or entertain the timely motion. - See Exhibit A, received by the Court on April 28, 2008.
6. That the Office of the Attorney General had until April 22, 2008, to answer/move to the complaint and failed to do so.

WHEREFORE, Plaintiff pray that the Court vacate its extension of time order for the defendants and grant plaintiff's motion of Default Judgment in its entirety and any further relief the Court may deem just and proper.

PRO SE OFFICE

I, declare under penalty of perjury that the foregoing is true and correct.

Dated: May 14, 2008
ROMULUS, NEW YORK 14541

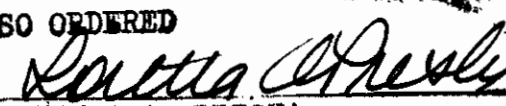
Signed: 

PAUL HENRY-PLAINTIFF
FIVE POINTS CORRECTIONAL FACILITY
STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541

TO: DANIEL SCHULZE
ASSISTANT ATTORNEY GENERAL
STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
120 BROADWAY
NEW YORK, NEW YORK 10271-0332

*The court adheres to its prior
denial of Plaintiff's motion for
a default judgment.*

SO ORDERED


LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

May 31, 2008